

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, I.	:	CIVIL ACTION
THEODORE B. SAVAGE, J.D.	:	
AARON CHRISTOPHER WHEELER	:	
JAMES S. PAVLICHKO	:	
	:	
	:	
	:	
v.	:	No. 02-CV-2949
	:	
	:	
MARK S. SCHWEIKER	:	
JEFFREY A. BEARD	:	
DONALD T. VAUGHN	:	
LESLIE HATCHER	:	
KIM ULISNY	:	

ORDER

AND NOW, this 28th day of January, 2004, upon consideration of Plaintiff Aaron Christopher Wheeler's Motion for Leave to File Supplemental Complaint Pursuant to Fed. R. Civ. P. Rule 15(D) (Docket No. 118) and the defendants' response, it is **ORDERED** that the motion is **DENIED**.¹

TIMOTHY J. SAVAGE, J.

¹ This is the second motion filed by plaintiff Wheeler requesting leave to file a supplemental complaint. As we stated in our Order of April 22, 2003, the law of the case doctrine dictates that we are required to follow Judge O'Neill's August 13, 2002 Order denying the plaintiffs' request to file a supplemental complaint against new defendants and assert new claims which are unrelated to the original claims (Docket No. 15). See, e.g., *In re City of Philadelphia Litigation*, 158 F.3d 711, 714 (3d Cir. 1998). Plaintiff Wheeler's supplemental complaint attempts to add additional defendants and claims which are unrelated to and occurred subsequent to the original complaint. Rule 15(d) does not permit such a supplemental pleading. See, e.g., *U.S. v. Local 560 (I.B.T.)*, 974 F.2d 315, 329 n.7 (3d Cir. 1992).